

UNITED STATES OF AMERICA
UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

RUDY TUCKER et al.,
Plaintiffs,

Case No. 1:13-cv-823

v.

Honorable Paul L. Maloney

TOM FINCO et al.,
Defendants.

ORDER FOR SERVICE

This is a civil rights action brought by ten prisoners incarcerated at the Lakeland Correctional Facility. The Court has conducted an initial review of the complaint pursuant to 28 U.S.C. §1915(e), §1915A and 42 U.S.C. § 1997e(c), to determine whether it is frivolous, malicious, fails to state a claim upon which relief can be granted or seeks monetary relief against a defendant that is immune from such relief. Upon initial review, the Court concludes that the complaint is not subject to dismissal for any of the reasons listed above. Therefore:

IT IS ORDERED that in accordance with Administrative Order No. 03-029, the Clerk shall return to Plaintiffs with a copy of this order one copy of the complaint and any exhibits.

IT IS FURTHER ORDERED that immediately upon receipt of this order, Plaintiffs shall request that the prison make five (5) copies of the complaint and exhibits for service upon Defendants. Plaintiffs are responsible for the cost of the copies. If Plaintiffs do not have sufficient funds to pay for the copies, the Michigan Department of Corrections provides loans for legal copies. *See Mich. Dep't of Corr., Policy Directive 05.03.116.*

IT IS FURTHER ORDERED that within fourteen days of this order, Plaintiffs shall file with the Court the requisite number of copies of the complaint and exhibits along with a copy of this

order OR an affidavit explaining why Plaintiffs are unable to provide the requested copies within the fourteen-day period. Should the Court find that the prison failed to make copies upon Plaintiffs' request, the Court will direct the Clerk to make such copies as may be necessary and to charge the Michigan Department of Corrections for the cost of copying at the Court's usual rate of \$.50 per page.

IT IS FURTHER ORDERED that Plaintiffs' failure to submit the requested copies within the time provided by the Court or an affidavit explaining why Plaintiffs are unable to provide the requested copies may result in the dismissal of his action without prejudice by the Court.

IT IS FURTHER ORDERED that upon receipt of the copies required by this order, the Clerk shall forward the complaint to the U.S. Marshals Service, which is authorized to mail a request for waiver of service to Defendants in the manner prescribed by Fed. R. Civ. P. 4(d)(2). If waiver of service is unsuccessful, summons shall issue and be forwarded to the U.S. Marshals Service for service under 28 U.S.C. § 1915(d)

IT IS FURTHER ORDERED that Defendants shall file an appearance of counsel (individual Defendants may appear *pro se* if they do not have counsel) within 21 days of service or, in the case of a waiver of service, 60 days after the waiver of service was sent. Until so ordered by the Court, no Defendant is required to file an answer or motion in response to the complaint, and no default will be entered for failure to do so. *See* 42 U.S.C. § 1997e(g)(1). After a Defendant has filed an appearance, proceedings in this case will be governed by the Court's Standard Case Management Order in a Prisoner Civil Rights Case.

Dated: October 10, 2013

/s/ Paul L. Maloney
Paul L. Maloney
Chief United States District Judge